APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/889,889	07/08/1997	PATRICK J. SULLIVAN	063074.0104	4013

7590	07/12/2006

BARTON E SHOWALTER
BAKER & BOTTS
2001 ROSS AVENUE
DALLAS, TX 752012980

EXAMINER
RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments as Contained in the Amendment

1.   Applicant's arguments in the Amendment After Final of 4/24/06 in response to

the Board Decision of 2/24/06 have been fully considered. However, upon further

consideration, a new ground(s) of rejection is made in view of Bellinger et al.,

(hereinafter referred to as "Bellinger") and Wong et al., (hereinafter referred to as

"Wong").

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 5-13, 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over by Schwab, (hereinafter referred to as "Schwab") in view of Bellinger, (hereinafter

referred to "Bellinger").

Schwab discloses a system (Schwab: figure 2), comprising: a client (Schwab:

figure 2, element 102) operable to perform a financial transaction (Schwab: column 7,

lines 8-15), the client further operable to generate data from the financial transaction

(Schwab: column 7, lines 22-25), the client having a camera (Schwab: figure 2, element

108) operable to generate video (Schwab: column 4, lines 23-27), the client operable to

transmit the data and the video in a digital file (Schwab: figure 2, element 104; column 4,

lines 20-27- "Schwab discloses a database record, which serves as the claimed digital file

for storing an item with an associated image") using a communications network (Schwab:

figure 2, element 50); and a server (Schwab: figure 2, element 40) coupled to the client

using the communications network (Schwab: figure 2, element 50), the server operable to

receive the digital file from the client and display the video (Schwab: column 6, lines 44-

67; column 7, lines 1-19); the server operable to store the digital file in a first database

(Schwab: column 7, lines 45-55: "...discloses that the data file and the image file may be

combined into a single database which would be a composite database record similar to

the claimed single digital file for storing a data file and an associated image file..."), with

real-time processing (Schwab: column 3, lines 65-67; column 4, lines 1-5 and 50-67;

column 6, lines 45-65; column 10, lines 10-35: real-time processing is an inherent feature

of the "authentication process" because transaction verification speeds have to occur as

quickly and efficiently as possible, i.e. in real-time, for user satisfaction and

convenience"), as in claim 1. However, Schwab fails to explicitly disclose that the video

generated at the remote site would be video imaging a transaction expressly associated

with a financial transaction. Bellinger discloses a client-server system which does

discloses generating a image database associated with a financial transaction (Schwab:

column 13, lines 35-50; column 14, lines 40-60; column 17, lines 30-67; column 18, lines

1-30) in order have provide a customer with a more complex and accessible record of the

their particular account activity (Bellinger: column 11, lines 20-50). Accordingly, given

this teaching it would have obvious with one of ordinary skill in the art to incorporate the

Bellinger teaching of using video imaging of a financial transaction into the Schwab

system in order to make the financial account information as accessed by either the

customer or financial institution more complete by providing visual evidence of a

financial transaction associated with the data file. The Schwab system, now incorporating

the Bellinger teaching of using generated video of a transaction, has all of the features of

claim 1.

Regarding claim 2, the Schwab system, now incorporating the Bellinger teaching

of using generated video of a transaction, discloses that wherein the client comprises a

point-of-sale device and the financial transaction comprises the sale of an item Schwab

(Schwab: column 7, lines 8-12: "retail operation"), as in the claim.

Regarding claim 3, the Schwab system, now incorporating the Bellinger teaching

of using generated video of a transaction, discloses that the client comprises an automated

teller machine and the financial transaction comprises a cash withdrawal (Schwab:

column 7, lines 8-12: "account deposit or withdrawal"), as in the claim.

Regarding claim 5, the Schwab system, now incorporating the Bellinger teaching

of using generated video of a transaction, discloses that the digital file comprises a single

multimedia digital file (Schwab: column7, lines 1-59: discloses that the data file and the

image file are combined into a single database such as a composite database record), as in

the claim.

Regarding claims 6-8, the Schwab system, now incorporating the Bellinger

teaching of using generated video of a transaction, discloses using a graphical user

interface includes a plurality of table entries of the financial transactions (Bellinger:

figure 20A-20B), as in the claims.

Regarding claims 9-10, the Schwab system, now incorporating the Bellinger

teaching of using generated video of a transaction, discloses that the client in the first

mode includes data in the digital file (Schwab: column 6, lines 55-60), the second mode

includes data and video in the digital file the second mode associated with an exception

condition of the financial transaction (Schwab: column 7 lines 1-20; column 8, lines 1-5),

as in the claims.

Regarding claim 11, Schwab discloses a method (Schwab: column 9, lines 40-56;

column 10, lines 1-32), comprising: performing a financial transaction (Schwab: column

7, lines 8-15); generating data from the financial transaction (Schwab: column 7, lines

22-25), the client having a camera (Schwab: figure 2, element 108); generating video

(Schwab: column 4, lines 23-27); transmitting the data and the video in a digital file

(Schwab: figure 2, element 104; column 4, lines 20-27- "Schwab discloses a database

record, which serves as the claimed digital file for storing an item with an associated

image") using a communications network (Schwab: figure 2, element 50); and a server

(Schwab: figure 2, element 40); receiving the data at a server using a communications

network; and presenting the video on a display at the server (Schwab: column 6, lines 44-

67; column 7, lines 1-19); the server operable to store the digital file in a first database

(Schwab: column 7, lines 45-55: "...discloses that the data file and the image file may be

combined into a single database which would be a composite database record similar to

the claimed single digital file for storing a data file and an associated image file..."), with

real-time processing (Schwab: column 3, lines 65-67; column 4, lines 1-5 and 50-67;

column 6, lines 45-65; column 10, lines 10-35: real-time processing is an inherent feature

of the "authentication process" because transaction verification speeds have to occur as

quickly and efficiently as possible, i.e. in real-time, for user satisfaction and

convenience"), as in the claim. However, Schwab fails to explicitly disclose that the

video generated at the remote site would be video imaging a transaction expressly associated with a financial transaction. Bellinger discloses a client-server method which does discloses generating a image database associated with a financial transaction (Schwab: column 13, lines 35-50; column 14, lines 40-60; column 17, lines 30-67; column 18, lines 1-30) in order have provide a customer with a more complex and accessible record of the their particular account activity (Bellinger: column 11, lines 20-50). Accordingly, given this teaching it would have obvious with one of ordinary skill in the art to incorporate the Bellinger teaching of using video imaging of a financial transaction into the Schwab method in order to make the financial account information as accessed by either the customer or financial institution more complete by providing visual evidence of a financial transaction associated with the data file. The Schwab method, now incorporating the Bellinger teaching of using generated video of a transaction, has all of the features of claim 11.

Regarding claim 12, the Schwab method, now incorporating the Bellinger teaching of using generated video of a transaction, has wherein the client comprises a point-of-sale device and the financial transaction comprises the sale of an item Schwab (Schwab: column 7, lines 3-6: "retail operation"), as in the claim.

Regarding claim 13, the Schwab method, now incorporating the Bellinger teaching of using generated video of a transaction, has that the client comprises an automated teller machine and the financial transaction comprises a cash withdrawal (Schwab: column 7, lines 8-12: "account deposit or withdrawal"), as in the claim.

Regarding claim 15, the Schwab method, now incorporating the Bellinger

teaching of using generated video of a transaction, has that the digital file comprises a

single multimedia digital file (Schwab: column7, lines 1-59: discloses that the data file

and the image file are combined into a single database such as a composite database

record), as in the claim.

Regarding claims 16-17, the Schwab method, now incorporating the Bellinger

teaching of using generated video of a transaction, has using a graphical user interface

includes a plurality of table entries of the financial transactions (Bellinger: figure 20A-

20B), as in the claims.

Regarding claims 18-20, the Schwab method, now incorporating the Bellinger

teaching of using generated video of a transaction, has storing in a first and second mode

of operation, the storing data in the digital file (Schwab: column 6, lines 5, lines 55-60),

the second mode includes storing data and video in the digital file the second mode

associated with an exception condition of the financial transaction (Schwab: column 7

lines 1-20; column 8, lines 1-5), as in the claims.

Regarding claim 21, the Schwab system, now incorporating the Bellinger teaching

of using generated video of a transaction, discloses that the server is located remotely

from the client (Schwab: column 6, lines 65-67), as in the claim.

4.   Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schwab in view of Bellinger as applied respectively to claims 1 and 11 above, and further

in view of Wong et al., (hereinafter referred to as "Wong").

The Schwab system, now incorporating the Bellinger teaching of using generated video of a transaction, have a majority of the features of claim 4, as has been discussed above with respect to claim 1. However, the Schwab-Bellinger combination fails to explicitly disclose audio processing as in the claim. Wong discloses that it is known to provide for audio data processing in a network environment (Wong: column 5, lines 1-15) and further discloses such processing in real-time (Wong: column 1, lines 45-50) in order to provide for audio data transfer throughout a network (Wong: column 1, lines 25-37). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate Wong's audio processing into the Schwab-Bellinger combination in order to allow for the combination to provide for audio data transfers throughout the network in real-time. The Schwab system, now incorporating the Bellinger teaching of using generated video of a transaction and Wong's audio processing, has all of the features of claim 4.

The Schwab method, now incorporating the Bellinger teaching of using generated video of a transaction, have a majority of the features of claim 4, as has been discussed above with respect to claim 11. However, the Schwab-Bellinger combination fails to explicitly disclose audio processing as in the claim. Wong discloses that it is known to provide for audio data processing in a network environment (Wong: column 5, lines 1-15) and further discloses such processing in real-time (Wong: column 1, lines 45-50) in order to provide for audio data transfer throughout a network (Wong: column 1, lines 25-37). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to incorporate Wong's audio processing into the Schwab-

Bellinger combination in order to allow for the combination to provide for audio data

transfers throughout the network in real-time. The Schwab method, now incorporating

the Bellinger teaching of using generated video of a transaction and Wong's audio

processing, has all of the features of claim 14.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337.

The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                                        Andy S. Rao

Primary Examiner
Art Unit 2621

ANDY RAO
PRIMARY EXAMINER

asr
July 1, 2006

Mehrdad Dastouri
MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER
TC 2600

ANDREW I. FAILE
DIRECTOR
TECHNOLOGY CENTER 2600